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(1)

C.S. 100/

(3)

IN THE HIGH COURT OF JUDICATURE AT BILAPUR [C.G.]

WRIT PETITION NO. 2380/2004 [S.B.]

PETITIONER: Smt. Usha Sharma aged about 60 years Wd/o. late Shri Sudarshan sharma, R/o. LIG 185 Tatibandh, P.S. Mohwa Bazar, Raipur, Distt. Raipur [C.G.]

VERSUS

RESPONDENTS:

1. State of Chhattisgarh Through- Secretary Home D.K.S. Bhawan, Raipur.

2. Superintendent of Police Distt. Dantewada, [C.G.]

3. S.H.O. Kirandul, Distt. Dantewada

4. Sanjay Sharma aged 32 years S/o. Shyam Lal Sharma.

5. Sunil Sharma aged 35 years, S/o. Shri Shyam lal Sharma

6. Sushil Saluja aged 46 years, S/o. not known, R/o. Jagmal Chowk near Gujrati Dharamshala, Tikrapara, Bilaspur [C.G.]

Respondent No. 4 to 5 are residents of 19, recreation road Choubey colony, Raipur [C.G.]

P.R. No. 23.8.04
Presented by Shri Alaknandan Shankdhar
dated 29-7-04

RECEIVED-COPY
29.7.
Clerk to A.G. Bilaspur

PETITION UNDER ARTICLE 226/227 OF CONTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(25)

आदेश पत्रक

मामला क्रमांक WP 2380/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	6.11.-09.2004 Shri H.V. Sharma, counsel for the petitioner. Not present Shri Utkarsh Verma, Panel Lawyer, for the State. Not present The petitioner, who is mother of deceased Hitesh Sharma, has preferred this writ petition under Article 226/227 of the Constitution of India for directing respondent Nos. 1 to 3 to register the case and investigate the facts of the complaint of the petitioner. I have heard learned counsel for the parties at the admission stage. Brief facts leading to filing of this petition are that the petitioner's daughter namely Preeti Sharma was married with respondent No.4 in the year 1996. As per the allegations in the writ petition after few months of the marriage respondent No.4 to 6 including mother-in-law, father-in-law & sister-in-law started ill-treating and subjecting to cruelty to Preeti Sharma for meeting their illegal demand of dowry. Upon this Preeti Sharma made a complaint to the Police Station Saraswati Nagar, Raipur, the police registered the offence under Sections 498-A and 506-B of Indian Penal Code and after investigation filed the charge sheet against respondent No.4 to 6 before the competent Court. Thereafter, respondent No.4 to 6 started threatening and tampering the petitioner, her husband, son, daughter and one Smt.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(26)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Vimala Chouhan. In this connection petitioner's daughter Preeti Sharma made a complaint to the Superintendent of Police, Raipur that respondent No.4 to 6 threatened the petitioner's husband, her son to pressurize Preeti Sharma to withdraw her complaint, as a result of which the husband of the petitioner died due to shock. Thereafter, also respondent No.4 to 6 continued to give threats and harass the son of the petitioner, on account of which he committed suicide on 03.05.2004. After few days, the petitioner received a suicidal note written by her son Hitesh Sharma, she made a complaint to Police Station Kirandul based on the suicidal note (Annexure P-4). But the police authorities have not taken any action on the complaint of the petitioner even they have not registered the case against respondent No.4 to 6. Therefore, respondent Nos. 1 to3 be directed to register a case and investigate into the complaint made by the petitioner.

Learned counsel for the petitioner argued that as per the decision of the Hon'ble Apex Court reported in **AIR 2001 Supreme Court 2113 between Mohindro V. State of Punjab & others**, respondent No.1 to 3 are bound to register the case when the matter was reported by the petitioner. But on facts, I am of the opinion that this authority is no help to the petitioner herein looking to the facts of the present case. As the son of the petitioner committed suicide but just after that the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	petitioner had not lodged any complaint, only when suicidal note said to have been found in the house the petitioner has approached the police. The petitioner has available equally efficacious alternative remedy for redressing her grievances. The petitioner is entitled to file a complaint before the concerned Judicial Magistrate, who may either can examine the petitioner and her witness and thereafter, pass the appropriate order or if the Magistrate is satisfied then he can also send the complaint for registration of the case and for investigation under Section 156(3) of Cr.P.C. In view of the above facts and alternative remedy is available to the petitioner. Therefore, I am of the opinion that this writ petition is not maintainable, it is liable to be dismissed and accordingly, it is dismissed in limine. **Sd/-** **L.C. Bhadoo** **Judge**	

Roshan

[पीछे देखिये